

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT RESOLUTION # 2020-09

In the Matter of: Amending the Portola Fine Particulate Matter (PM2.5) Attainment Plan (Portola Plan) to Include Contingency Measures in amendments made by City of Portola Ordinance 359, adopted September 9, 2020, to the City of Portola Wood Stove and Fireplace Ordinance and The Prohibition of the Open Burning of Yard Waste, Chapter 15.10 of the Portola Municipal Code, as required by the Federal Clean Air Act.

Whereas, the Northern Sierra Air Quality Management District (District) is a duly constituted unified district, as provided in Chapter 3, Part 3, Division 26 in the California Health and Safety Code; and

Whereas, the District may do such acts as are necessary or proper to execute its power and duties, under Section 40702 of the Health and Safety Code; and

Whereas, the District has the primary responsibility for control of air pollution from all sources, other than emissions from motor vehicles, within its jurisdiction, under Section 40000 of the Health and Safety Code; and

Whereas, the District may sponsor, coordinate, and promote projects that will lead to the prevention, mitigation, or cure of the adverse effects of air pollution, including the adverse health effects of air pollution within its jurisdiction, under Section 40004 of the Health and Safety Code; and

Whereas, the District must prepare plans to attain the National and state ambient air quality standards within its jurisdiction, under Sections 41650 and 40911 of the Health and Safety Code; and

Whereas, in December 2012, the U.S. Environmental Protection Agency (EPA) issued an annual National Ambient Air Quality Standard (NAAQS) for fine particulate matter (PM2.5) of 12 ug/m³ (2012 PM2.5 NAAQS), which became effective in March 2013; and

Whereas, effective April 2015, the EPA designated the City of Portola and the surrounding communities as the Plumas County PM2.5 Nonattainment Area with a moderate classification for the 2012 PM2.5 NAAQS; and

Whereas, the nonattainment area includes the City of Portola and the nearby communities of Iron Horse, Delleker, C-Road, Mohawk Vista, Plumas-Eureka, Blairsden-Graeagle, Gold Mountain, Whitehawk, Clio, Johnsville and portions of Lake Davis; and

Whereas, EPA requires the State of California to submit a plan that satisfies the requirements of Clean Air Act, Sections 172 and 189, including a demonstration of attainment of the PM2.5 NAAQS by the applicable attainment date as demonstrated by the technical analysis performed for the Portola Plan; and

Whereas, the California Air Resources Board (CARB) and the District developed the Portola Plan to meet the requirements of the federal Clean Air Act, which EPA approved into the California State Implementation Plan on March 25, 2019, 84 Fed. Reg. 11,208; and

Whereas, the Portola Plan included as Appendix M the City of Portola Wood Stove and Fireplace Ordinance, Chapter 15.10 of the Portola Municipal Code; and

Whereas, portions of the City of Portola Wood Stove and Fireplace Ordinance, Chapter 15.10 of the Portola Municipal Code, had been approved by EPA into the State Implementation Plan on March 5, 2018, 83 Fed. Reg. 9,213; and

Whereas, to meet requirements of the federal Clean Air Act to provide contingency measures, the District continued to work with the City of Portola, CARB, and EPA for the City to amend the Portola Wood Stove and Fireplace Ordinance by adopting on September 9, 2020, Ordinance 359, the City of Portola Wood Stove and Fireplace Ordinance and The Prohibition of the Open Burning of Yard Waste, amending Chapter 15.10 of the Portola Municipal Code; and

Whereas, the Northern Sierra Air Quality Management District Board hereby commits to meet its obligations under the City of Portola Wood Stove and Fireplace Ordinance and The Prohibition of the Open Burning of Yard Waste, Chapter 15.10 of the Portola Municipal Code; and

Whereas, a public hearing for approving these amendments to the Portola Municipal Code as a revision to the Portola Plan was duly noticed for at least thirty days and held on October 26, 2020, in accordance with the law; and

Whereas, Section 15308 of the California Environmental Quality Act (CEQA) Guidelines, title 14 of the California Code of Regulations, provides that actions taken by regulatory agencies as authorized by state law to assure the maintenance, restoration or enhancement of the environment where the regulatory process involves procedures for protection of the environment, are categorically exempt from CEQA review; and

Whereas, this Governing Board of Directors concurs with the recommendations of its staff; and

Whereas, the amendments to the City of Portola Wood Stove and Fireplace Ordinance and The Prohibition of the Open Burning of Yard Waste, Chapter 15.10 of the Portola Municipal Code Portola Plan, under this Resolution, will be added to the Portola Fine Particulate Matter (PM2.5) Attainment Plan; and

Whereas, the amendments to the City of Portola Wood Stove and Fireplace Ordinance and The Prohibition of the Open Burning of Yard Waste, Chapter 15.10 of the Portola Municipal Code, under this Resolution, will be submitted to CARB and EPA for inclusion into the State Implementation Plan;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:

1. The Northern Sierra Air Quality Management District Board of Directors hereby finds, based upon the evidence and information presented at the hearing upon which the decision is based, that all notices required to be given by law have been duly given, and that the District Board has allowed public testimony in accordance with the law.
2. The City of Portola Wood Stove and Fireplace Ordinance and The Prohibition of the Open Burning of Yard Waste, Chapter 15.10 of the Portola Municipal Code will promote the health and welfare of the residents in the nonattainment area of Plumas County.
3. The Northern Sierra Air Quality Management District Board of Directors directs the District to fulfill its obligations under the Portola Municipal Code, as amended by Ordinance 359.
4. This action is exempt from the California Environmental Quality Act (CEQA), under Class 8, section 15308 of the CEQA Guidelines, title 14 of the California Code of Regulations, for actions taken by regulatory agencies as authorized by state law to assure the maintenance, restoration or enhancement of the environment where the regulatory process involves procedures for protection of the environment.
5. The Northern Sierra Air Quality Management District Board of Directors amends the Plumas County Fine Particulate Matter (PM 2.5) Attainment Plan (Portola Plan) to include the City of Portola Wood Stove and Fireplace Ordinance and The Prohibition of the Open Burning of Yard Waste, Chapter 15.10 of the Portola Municipal Code, as amended by Ordinance 359.
6. The Northern Sierra Air Quality Management District Board of Directors directs the District staff to submit to the California Air Resources Board with a request to submit to the United States Environmental Protection Agency, for adding to the State Implementation Plan to comply with the federal Clean Air Act, Ordinance 359, Portola Municipal Code, Chapter 15.10, Wood Stove and Fireplace Ordinance and The Prohibition of the Open Burning of Yard Waste, adopted September 9, 2020, except paragraph 15.10.060(B) and sections 15.10.100 and 15.10.110, that amended the following sections of the City of Portola Wood Stove and Fireplace Ordinance and the Prohibition of the Open Burning of Yard Waste, Chapter 15.10 of the Portola Municipal Code:
 - a. 15.10.010,
 - b. 15.10.020,
 - c. 15.10.025,
 - d. 15.10.026,
 - e. 15.10.070,
 - f. 15.10.080 as renumbered from 15.10.070, and
 - g. 15.10.090 as renumbered from 15.10.080.

7. The Executive Director of the District is hereby directed to forward a copy of this Resolution, Ordinance 359, Portola Municipal Code, Chapter 15.10, Wood Stove and Fireplace Ordinance and The Prohibition of the Open Burning of Yard Waste, adopted September 9, 2020, except paragraph 15.10.060(B) and sections 15.10.100 and 15.10.110, and any additional information necessary to CARB for inclusion in the State Implementation Plan.
8. The District Governing Board requests that the CARB authorize its Executive Officer to include these amendments to the City of Portola Wood Stove and Fireplace Ordinance and The Prohibition of the Open Burning of Yard Waste, Chapter 15.10 of the Portola Municipal Code, in the California State Implementation Plan for submittal to EPA.
9. The District's Governing Board requests that EPA approve this submittal into the Portola Plan and the State Implementation Plan. Upon EPA's approval of this submittal, Ordinance 359 (excluding paragraph 15.10.060(B) and sections 15.10.100 and 15.10.110) would replace Ordinance 344 in the State Implementation Plan.
10. District staff is hereby authorized to make any minor typographical and technical changes in the submittal and take other actions that are necessary to correct errors, clarify wording, or to satisfy CARB and EPA requirements for the Portola Plan.

On a motion by Supervisor _____, and seconded by Supervisor _____, the foregoing resolution was approved and adopted by the Board of Directors of the Northern Sierra Air Quality Management District at a regular meeting held on October 26, 2020, by the following roll call vote:

Ayes:

Noes:

Absent:

Abstaining:

Approve: _____
 Chair of Northern Sierra Air Quality Management Board

Attest: _____
 Dawn Lunsford, Clerk of the Board